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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,246	12/20/1999	IAN M. WRIGHT	M-7825US	3396

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EXAMINER

TRAN, PHUC H

ART UNIT PAPER NUMBER

2666

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/468,246

Applicant(s)

WRIGHT, IAN M.

Examiner

PHUC H TRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a dedicated communications bus to communicates to the ingress receiver (there is not bus in Fig. 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1-14 are objected to because of the following informalities:

- Regarding to claim 1, "the switching apparatus" in line 2; "that queue" in line 23 are insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-5, & 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 2 recites the limitation "the identified designation" in line 5. There is insufficient antecedent basis for this limitation in the claim.

- Regarding to claims 3-5, "said designation" is not clear the designation of imminently droppable or dropped outbound packets.

- Claim 3 recites the limitation "said designation" in line 1. There is insufficient antecedent basis for this limitation in the claim.

- Claim 11 recites the limitation "the identified designation" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Khacherian et al. (U.S. Patent No. 5768257).

- With respect to claims 1, 6, 10, 12, & 17, Khacherian teaches an apparatus for switching packets from a network (e.g. Fig. 2), a switching apparatus comprising: an ingress receiver that receives packets from the network ("inbound packets") (e.g. block 210 input line card in Fig. 2), the packets being destined for an associated output queue (col. 2, lines 59-60); a switch fabric coupled to receive the inbound packets from the ingress receiver (block 200 in Fig. 2); and an output traffic manager coupled to receive packets from the switch fabric ("outbound packets") (e.g. block 326 in Fig. 3), wherein the output traffic manager includes at least one queue, the output traffic manager selectively stores outbound packets into a selected queue (e.g. the buffer as show in Fig. 3, block 322) and selectively drops outbound packets when the selected queue is

at a certain fullness level (col. 3, lines 7-10), and approximately when the output traffic manager drops outbound packets or is about to drop the outbound packets, the output traffic manager communicates to the ingress receiver to drop inbound packets destined for that queue (col. 8, lines 9-16).

- With respect to claims 2, 11, & 16, Khacherian also teaches wherein the output traffic manager identifies at least the designation of imminently droppable or dropped outbound packets, and wherein the ingress receiver drops inbound packets based on an identified designation (e.g. output data controller monitors buffers and communicates back to input data controller).

- With respect to claims 3, & 18, Khacherian discloses wherein the designation comprises a port address to the network, or a class of service or virtual private network (e.g. the information was send back from the output controller to the input controller).

- With respect to claims 7 and 22, Khacherian teaches wherein the ingress receiver discontinues inbound packet drop after a predetermined time (col. 7, lines 5-14).

- With respect to claims 8, 13, & 21, Khacherian discloses wherein the output traffic manager uses the switch fabric to communicate to the ingress receiver to drop inbound packets (e.g. Fig. 2 shows the request and grant communication).

- With respect to claims 9, & 14, Khacherian also discloses wherein the output traffic manager uses a dedicated communications bus to communicate to the ingress receiver to drop inbound packets (e.g. Fig. 3 shows dash lines).

- With respect to claims 15, & 23, Khacherian teaches a method of reducing packet traffic through a switching fabric (e.g. the method controlling the buffering as Fig. 2), the method

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comprising: receiving packets from a network ("inbound packets") (e.g. packet received at source input port 310 in Fig. 3); transmitting each packet to the switching fabric (e.g. block 300 in Fig. 3); selectively queuing packets from the switching fabric (e.g. the buffer as show in Fig. 3, block 322); detecting imminent or active dropping of packets ("dropped packets") due to a queue being full (col. 3, lines 7-10); signaling to drop inbound packets destined for the queue; and dropping inbound packets destined for the queue (col. 8, lines 9-16).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran  
Assistant Examiner  
Art Unit 2664

P.t  
March 8, 2003

DANG TON  
PRINCIPAL EXAMINER